

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

TAMMY COVINGTON and)	
JEFFREY COVINGTON,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 19-cv-00718-PRW
)	
CSAA FIRE AND CASUALTY)	
INSURANCE, d/b/a AAA FIRE AND)	
CASUALTY INSURANCE COMPANY,)	
INC.,)	
)	
Defendant.)	

**DEFENDANT, CSAA FIRE AND CASUALTY INSURANCE COMPANY’S
PROPOSED VOIR DIRE OF JURORS**

The Defendant, CSAA Fire and Casualty Insurance Company (“CSAA”), respectfully requests that the Court question the jury panel as set forth below. CSAA further requests that in the event any prospective juror indicates he/she has a problem with insurance companies based on a prior experience, then CSAA requests that the Court call that person to the bench for additional questioning by the Court and counsel outside the presence of the remaining jurors.

DESCRIPTION OF THE CASE

In this case, Plaintiffs were members of AAA, the auto club. Through their AAA membership, they purchased insurance for their home and autos from CSAA (California State Automobile Association). CSAA is sometimes referred to as AAA Insurance. Plaintiffs sued CSAA for breach of contract and bad faith based on CSAA’s investigation

and handling of Plaintiffs' homeowner's claim. The interior of Plaintiffs' home suffered water damage as a result of an ongoing, long-term leak that Plaintiffs knew about. Nonetheless, Plaintiffs waited approximately nine months before notifying CSAA of this claim. CSAA denied Plaintiffs' claim pursuant to an exclusion in the policy that precludes coverage for ongoing leaks of that nature known by the insureds.

1. Familiarity With the Case.

- a. Do you, any members of your immediate family, or close personal friends have any knowledge of any kind regarding this lawsuit, other than what has been told to you here today?
- b. Have you seen, read, or heard anything about this case in any newspaper, magazine, television, or radio?
- c. Have you read or heard anything about this case from any source?

2. Familiarity With the Parties, Counsel, or Potential Witnesses.

- a. Have you or any relative or close friend ever worked for, been employed by, or had any business association with CSAA or AAA Insurance?
- b. Have you or any relative or close friend ever worked for or had any business dealings with CSAA or any company associated with CSAA? If yes, has your experience with either company affected your ability to render an impartial verdict in this case?

- c. Have you or any relative or close friend ever been insured by CSAA or AAA Insurance? If yes, has your experience with CSAA affected your ability to render an impartial verdict in this case?
- d. Have you or any relative or close friend ever been dissatisfied with the manner in which CSAA or AAA treated you, your business, a family member, or a friend?
- e. Have you or any relative or close friend ever had any problems, concerns, disputes, or unpleasant dealings or business with CSAA or AAA, or with any company or person affiliated with CSAA or AAA?
- f. The lawyers representing CSAA are Gerard F. Pignato, Matthew C. Kane, and Joshua K. Hefner of RYAN WHALEY COLDIRON JANTZEN PETERS & WEBBER, PLLC in Oklahoma City, Oklahoma. The lawyer representing the Plaintiffs, Tammy Covington and Jeffrey Covington, is Douglas J. Shelton of SHELTON & WALKLEY LAW GROUP in Oklahoma City, Oklahoma.
 - i. Do you know any of these lawyers, or anyone who works at their law firms?
 - ii. Have you or any of your relatives or close friends worked for or applied for a job with any of these lawyers or law firms?
 - iii. Have you or any of your relatives or close friends ever been represented by any of these lawyers or law firms or been involved in any legal matter in which any of these lawyers or law firms represented another party?
- g. The following persons may be called as witnesses or referred to during this trial. Please raise your hand if you know or have had any contact or

association, personal or professional, with any of these persons or organizations:

Name & Address
Ian Rupert
Matthew Amick
Danny Griffin
Don Ray Sharp
Sean Agha
Michael Moriarty
Norman Ortega
Alan Heise
Danielle Perez
Duane Smith
Alana Hare
Mary Jensen

3. Education, Training, Employment, and Other Experience.

- a. Do you, any close friend, or any relative have any experience or special training in the insurance business?
- b. Do you, any close friend, or any relative have any experience or special training in the residential construction industry, including residential remodeling, repairs, and renovation?
- c. Are you, or any relative or close friend, a lawyer?
- d. Are you, or any relative or close friend, a judge, law clerk, law student, legal intern, court attendant, clerk, or part of the court's personnel?

- e. Have you, or any relative or close friend, had any legal training or experience?
- f. Have you, or any relative or close friend, ever worked at a law firm or for a lawyer in any capacity?
- g. Have you or any of your relatives or close friends ever settled a lawsuit to which you were a party?
- h. Have you or any of your relatives or close friends ever been in any kind of a dispute with an insurance company?
- i. Have you ever had a negative experience with an insurance company?

4. Experience With the Legal System.

- a. Have you ever served as a juror before? If so, please indicate:
 - i. The number of times;
 - ii. The dates of service;
 - iii. The type of case;
 - iv. Whether the verdict was for the Plaintiff or the Defendant;
 - v. Whether you served as the foreperson; and
 - vi. Whether your prior jury service might interfere with your ability to return a fair and just verdict in this case.
- b. Do you know any other member of the jury panel?
- c. Have you or any relative or close friend ever sued anyone or presented a claim against anyone? If so:
 - i. Please state the type of case or proceeding and your role in it.

- ii. Is there anything about that experience that would prevent you from being fair to all parties in this case?
- d. Have you, or any relative or close friend, ever been sued? If so:
 - i. Please state the type of case or proceeding and your role in it.
 - ii. Is there anything about that experience that would prevent you from being fair to all parties in this case?
- e. Have you ever appeared as a witness, given testimony in court, or been deposed?

5. Bias, Prejudice, and Ability to Serve.

- a. Do you have any feelings either for or against insurance companies that would in any way affect your view in this case or make you more or less inclined to find in favor of either party?
- b. Do you believe that you may have difficulty in following the rule of law that your verdict may not be based on suspicion, guesswork, or assumptions, but that you must carefully consider all of the evidence and be convinced by the preponderance of the evidence?
- c. The Court will instruct you that, in arriving at a verdict, you must not be motivated by sympathy for or prejudice against any party, but that you must base your verdict solely on the evidence that will be produced in this courtroom in light of the Court's legal instructions. Are you unwilling or unable to follow such a rule?

- d. Do you feel that you could follow the Court's instructions on the law governing this case, even though you might have a differing personal view as to what the law should be?
- e. During the course of this case, you will be instructed that you are not to read any newspaper coverage or watch or listen to any other media coverage about the case or about any issues or stories that may be related to the case. You also will be instructed that you may not speak with anyone about the case and that you cannot have any contact with any of the lawyers about the case. Do you have any reason why you may be unable or unwilling to follow those instructions?
- f. Do you have any reason to believe that you might be prejudiced or biased either for or against either party to this litigation?
- g. Do you have any negative feelings regarding lawsuits in general?
- h. Do you understand that the mere fact that someone files a lawsuit does not mean that lawsuit has merit?
- i. It is estimated that the trial of this case will take approximately 3 days. In light of this, do you have any substantial reason why you could not serve as a member of the jury in this case?
- j. Do you have any physical condition that makes it:
 - i. Uncomfortable to sit for a long period of time?
 - ii. Difficult to hear what is going on in the courtroom?

- iii. Difficult to see exhibits or other pieces of evidence that may be used during the trial?
- iv. Some other type of physical problem that might interfere with your ability to concentrate on the case and what is going on in the courtroom?
- k. Do you have any type of personal problems or other pressing matters of concern that would make it difficult or impossible for you to concentrate on what is going on during the trial because your mind would be elsewhere?
- l. Have you, a family member, or close friend, ever remodeled, repaired or renovated the interior of your house?
- m. Have you, a family member, or close friend, ever remodeled, repaired or renovated the interior of your house due to a water loss or a weather event?
- n. Have you, a family member, or close friend, had any experience with public adjusters?
 - i. If so, please explain.
 - ii. Would your experience in this regard affect your ability to render an impartial verdict in this case?
- o. Have you, a family member, or close friend had any experience with contractors?
 - i. If so, please explain.
 - ii. Would your experience in this regard affect your ability to render an impartial verdict in this case?

- p. Have you, or any relative or close friend ever made a claim to your homeowner's insurance company? If so, please explain the nature and outcome of the claim.
- q. If you were selected as a juror in this case, do you know of any reason why you could not sit as an impartial juror?
- r. Do you have any reason whatsoever why you would prefer not to serve as a juror in this case? If so, what is that reason?

Respectfully submitted,

s/ Gerard F. Pignato

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on July 17, 2020, I electronically transmitted the attached document to the Clerk of Court using the Electronic Case Filing System for filing. Based on the records currently on file in this case, the Clerk of Court will transmit a Notice of Electronic Filing to the following:

Douglas J. Shelton, Esquire

s/ Gerard F. Pignato

For the Firm